bsb

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7638 OF 2007

Nashik Mahanagarpalika Shramik Sangh ... Petitioner

V/s

Nashik Municipal Corporation & anr. ... Respondents

Mr. Bhavesh Parmar for the petitioner.

Mr. M.L.Patil for the respondent No.1.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 23RD OCTOBER, 2007.

P.C.:

1. The petitioner has challenged an interim order passed by the Industrial Tribunal in Reference (IT) No. 2 of 2007. The petitioner had sought interim relief to the effect that the services of 16 workmen should not be terminated by the contractor. It was prayed that in the event the Corporation desired to engage another contractor, the services of the workmen should be continued with the new contractor. The Tribunal has rejected this application on the ground that the contract of the contractor through whom the concerned 16 workmen were employed, had expired on 30.9.2007.

Another contractor was to be appointed. Admittedly, no contractor has been appointed as yet. By letter dated 1.9.2007 each individual workman concerned was informed that his services were not required by the contractor from 1.10.2007. Thus, on 1.10.2007 the services of the concerned workmen came to an end, prima facie.

2. Reliance is placed on the judgment of the Division Bench of this Court wherein the Ghantagadi workmen of the respondent Corporation were concerned. This Court had directed that, during the pendency of the reference the services of the Ghantagadi workmen should be protected. However, it is apparent that the order was passed at the stage when the workers were still in service. Today, by efflux of time, in the present case, the services of the workmen have come to an end on 1.10.2007. In fact, when the order dated 15.10.2007 was passed in the petition, the services of the workmen had already came to an end and, therefore, there was no question of protection of their services which had already been terminated.

3. In my opinion, the Industrial Tribunal cannot be faulted for not granting interim relief in the matter. The reference has been expedited by the Industrial Tribunal.

4. Petition rejected.

.....